

18 EXPIRATION OF COMMITMENT AND ADMINISTRATIVE DISCHARGE

OVERVIEW OF CHAPTER CONTENTS

PRIMARY TOPICS COVERED IN THIS CHAPTER (READ ACROSS)

- Maintaining Expiration Date in JJIS
- Expiration of Youth's Commitment in the Community
- Administrative Discharge: Administrator's Authority
- Administrative Discharge of Youth in the Community
- CHIPS Referrals
- Death of a Youth under DJC Supervision
- Expiration of Youth's Commitment in a JCI
- Special Circumstances
- Administrative Discharge of Youth in a JCI
- Cash Grants
- Transitional Independent Living Program

FORMS DISCUSSED IN THIS CHAPTER

- Department Order (DOC-1722)
- Wisconsin Death Certificate Application (F-5280)
- Referral to DJC Employment or Independent Living Programs (DOC-2368)
- Exit Evaluation (DOC-1749)
- Recommendation for Administrative Action Worksheet (DOC-44A)

The DOC forms are accessible in MyDOC. The death certificate form is accessible on the DHS web site at <http://dhs.wisconsin.gov/forms/DPHnum.asp>. CMM holders may print a copy and place in their CMM. Whenever completing a form, check MyDOC to be sure the most current form is being used.

MAINTAINING EXPIRATION DATE IN JJIS

DISPOSITIONAL ORDER

The youth's Dispositional Order contains either the expiration date of the commitment order, states that it is for a period of one year or until a certain age. When a youth enters a JCI, **the OOA enters the expiration date into JJIS** during the admission process. [see Chapter 3]

CHANGE IN EXPIRATION DATE

Extension Request

During a youth's JCI placement or community supervision, DJC or other authorized entity may petition the committing court for an **extension** of the youth's commitment because the youth requires further treatment and services beyond the current expiration date. [see Chapter 9]

Youth Petition to Terminate Supervision

The youth may also petition the court for termination of DJC supervision.

Court Order

The court modifies the youth's expiration date by signing an order extending or terminating the period of supervision. The OOA in a JCI or the agent in the community updates the date in JJIS

whenever a court modifies the period of supervision. Social workers, agents and OJOR staff must always be aware of the youth's current expiration date by accessing the information in JJIS.

EXPIRATION OF YOUTH'S COMMITMENT IN A JCI

PLACEMENT IN TRANSITION PHASE

All youth expected to reach his or her commitment date while residing in a JCI shall be placed in a transition phase 90 days before their discharge. Participation in the transition phase will allow for more resources to be available for the youth to aid them in their successful reintegration into the community.

RELEASE PLANNING

- Institution social worker in conjunction with state agent or county worker, develops a COMPAS case plan at least 30 days before release to ensure for adequate living arrangements for youth to include housing, clothing, food, psychological care and follow-up, psychotropic medication issues, education and job opportunities and community resources. The plan is reviewed and approved by supervisor.
- At least 15 days prior to youth discharge/termination, youth signs the case plan. Copy of case plan is sent to all JPRC participants.
- If reentry assessment indicates that the youth poses a significant ongoing risk to public safety, social worker and state agent make a recommendation to the field supervisor as to whether local law enforcement should be personally notified about the youth's release.
- If reentry assessment indicates that the youth has significant ongoing treatment needs, social worker and state agent make a recommendation to the field supervisor as to whether the county human services agency should be personally notified about the youth's release.

ROLE OF SOCIAL WORKER

When a youth reaches his or her court commitment expiration date while residing in a JCI, the social worker performs the tasks described below. Not all tasks are required for all youth.

- **Notice of impending expiration:** Complete the Juvenile Release Authorization (DOC-1788), Action Needed Request (DOC-1734) or other appropriate notice **at least 15 days prior** to the youth's expiration date.
 - ✓ With justification and supervisory approval, the notice may be completed a minimum of 5 days (excluding weekends and holidays) prior to expiration.
 - ✓ This notice permits the OOA to complete the Notice of Discharge of Youth from Secured Correctional Facility (DOC-1630) [see Chapter 12] and OJOR to provide notice to victims/witnesses with a request on file. [see Chapter 11]
- **Order to Detain:** Review youth's record to determine if an agency has an order to detain on file and notify that agency that the youth's expiration date is approaching. [see Chapter 3]
- **Dual supervision:** Contact the youth's adult agent to coordinate transition plans when a youth will be under an adult supervision order upon expiration. [see Chapter 20]
- **Sex Offenders:** Ensure that youth has met requirements for registration, DNA specimen and ch. 980. [see Chapter 22]

- **Cash grant:** see section later in this chapter
- **CHIPS referral:** see section later in this chapter
- **Referral to Transitional Independent Living Program:** see section later in this chapter
- **Community residence:** Finalize the youth's living arrangements and arrange for transportation.
- **Notice to a parent or relative:** When the youth will reside in a home in the community, the social worker notifies in advance the responsible adult in the home of the date of the youth's arrival.
- **Health Services:** Contact HSU at least 3 days prior to expiration to obtain a prescription for medications that the youth will continue to take after leaving the JCI. Best practice is to contact HSU 7-10 days prior to youth's departure.
- **Education Records/LifeWork Education Portfolio:** Notify education director that youth's expiration is approaching in time for teachers to review the LifeWork Education Portfolio, and to administer updated testing and assemble records to forward to receiving school district, if applicable. Make sure that the youth has possession of her or his Portfolio upon departure from the JCI.
- **Exit Evaluation:** Ensure that designated JCI staff request that the youth complete the Exit Evaluation (DOC-1749)
- **Release Assessment Dialogue:** See chapter 26, "Admission and Release Assessment Dialogues" for instructions for completing the release assessment dialogue.

ROLE OF OJOR

- **Sex offenders:** Follow required procedures for youth covered by ch. 980, Stats. [see Chapter 22]
- **Victim/witness notification:** Follow required procedures [see chapter 11]
- **Department Order:** Issue DOC-1722a terminating youth's DOC supervision. [see Chapter 5]

ROLE OF THE OOA

Issue the Notice of Discharge of Youth from Secured Correctional Facility (**DOC-1630**) when the youth's departure date is known. WI Stat §938.51 requires that community notification be provided at least 15 days prior to the youth's return to the community. [see Chapter 12]

ROLE OF AGENT

Agents are responsible for arranging transition meetings for youth that are going to discharge while in a JCI. The focus of the transition meetings will be to make the youth aware of resources that are available to him or her upon release. Agency representatives that may provide services to the youth upon their return can be recruited to participate in the meetings.

EXPIRATION OF YOUTH'S COMMITMENT IN THE COMMUNITY

ROLE OF AGENT

When a youth reaches his or her expiration date while on community supervision (type 2 or aftercare), the agent performs the appropriate tasks listed below.

The agent retains responsibility for performing the necessary tasks when a youth has returned to a JCI from community supervision fewer than 30 days prior to the expiration date.

RELEASE PLANNING

- State agent develops a COMPAS case plan at least 30 days before release to ensure for adequate living arrangements for youth to include housing, clothing, food, psychological care and follow-up, psychotropic medication issues, education and job opportunities and community resources. The plan is reviewed and approved by supervisor.
- At least 15 days prior to discharge/termination, youth signs the case plan. Copy of case plan is sent to all JPRC participants.
- **Notice of Release of Youth from Community Supervision (DOC-1626):** complete in JJIS and distribute at least 15 days prior to the expiration date. Completion in a timely manner is required in order to comply with s. 938.51, Stats., regarding notification of victims/witnesses and community agencies. [see Chapters 11 & 12]
- **Order to Detain:** Review youth's record to determine if an agency has an order to detain on file and notify that agency that the youth's expiration date is approaching. [see Chapter 3]
- **Dual supervision:** Contact the youth's adult agent to coordinate transition plans when a youth will be under an adult supervision order upon expiration. [see Chapter 20]
- **Sex Offenders:** Follow requirements for registration and DNA specimen. [see Chapter 22]
- **CHIPS referral:** See section later in this chapter
- **Transitional Independent Living Program:** See section later in this chapter
- **Community residence:** Finalize the youth's living arrangements and arrange for transportation
- **Notice to a parent or relative:** When the youth will reside in a private home in the community, the agent notifies in advance the responsible adult in the home of the date of the youth's arrival.
- **Prescriptions:** **Assist the youth to obtain a prescription for medications he or she will continue to take after expiration.**
- **Electronic monitoring:** For youth with an electronic bracelet or GPS unit, arrange for the removal of the equipment prior to expiration.
- **LifeWork Education Portfolio:** Review the youth's Portfolio making sure that all documents are included and give it to the youth.

SPECIAL CIRCUMSTANCES

Social workers, agents and OJOR staff must be aware that occasionally a **court may unexpectedly and immediately terminate DJC supervision of a youth**. The court may do so at a hearing by granting a youth's petition for termination of supervision or denying a DJC request for extension of supervision. [see Chapter 9]

All staff shall complete the appropriate tasks described in this chapter subsequent to the court's termination of the youth's commitment order.

ADMINISTRATIVE DISCHARGE: AUTHORITY OF ADMINISTRATOR

AUTHORITY OF ADMINISTRATOR

The DJC administrator has **authority**, under s. 938.53, Wis. Stats., to sign a Department Order (DOC-1722) that administratively **discharges a youth from DOC supervision prior to the expiration of the Dispositional Order**. As of the date the DOC-1722 is effective, DJC no longer has legal authority to supervise the youth.

The most common circumstance under which the Administrator authorizes an administrative discharge is **when a youth is placed in an adult correctional institution** due to an adult conviction. In that situation, the Administrator determines that continued DJC supervision is not necessary because the period of adult supervision will likely extend beyond the youth's expiration of DJC supervision.

In a rare case, the Administrator discharges a youth due to the youth's success in meeting his or her goals and objectives. The **administrator determines that the youth no longer requires correctional supervision**.

Administrative discharge may be requested in the following circumstances:

- A youth has been convicted in criminal court and received a prison sentence that goes beyond her/his juvenile expiration date.
- On a case-by-case basis, a youth has been convicted in criminal court and received an adult probation order that goes beyond her/his juvenile expiration date. The request should analyze whether DJC or DCC has the most appropriate services and supervision resources for the youth.
- A DJC-supervised youth goes to another state on Interstate Compact and is convicted in adult court, receiving prison or probation term longer than her/his WI juvenile order.
- An SJO youth is stable after at least three years of participation, has steady period of employment, has no violations within the past six months, and has discharged all court and DOC obligations including fines, restitution and community service.
- A DJC-supervised Interstate Compact youth goes to another state on Interstate Compact, and the receiving state requests early termination of the WI juvenile order because youth is doing well.
- A youth whose juvenile correctional order expires on a weekend or holiday is being transported to a secure detention or confinement facility on the prior weekday.

LIMITATIONS ON ADMINISTRATOR'S AUTHORITY

The Administrator **lacks legal authority to discharge** youth under the following circumstances:

- **SJO** youth with less than 3 years in SJOP.
- Youth with **conviction only** (no adjudication): only DAI may discharge.

ADMINISTRATIVE DISCHARGE OF YOUTH IN A JCI

ROLE OF JPRC

- JPRC member recommends to other JPRC members that a youth in a JCI should be discharged from supervision stemming from an adjudication.

- JPRC members make a recommendation to OJOR reviewer.

ROLE OF OJOR REVIEWER

- Draft a DOC-1722 if reviewer supports recommendation.
- Forward DOC-1722 to the OJOR director in Central Office.

ROLE OF OJOR DIRECTOR

- Review the youth's file to decide whether the recommendation appears to be appropriate.
- Forward the DOC-1722 to the Administrator if he or she determines the recommendation to be appropriate.
- If Administrator approves the recommendation, follow other procedures applicable to the youth:
 - ✓ Chapter 980 procedures [see Chapter 22]
 - ✓ Victim/witness notification [see Chapter 11]

ROLE OF ADMINISTRATOR

Sign and distribute the DOC-1722 if in agreement with OJOR Director.

ROLE OF JCI SOCIAL WORKER UPON THE SIGNING OF DOC-1722

When the social worker know the administrative discharge date, she or he completes tasks listed in the section above titled: “**Expiration of a Youth's Commitment in a JCI: Role of Social Worker.**”

ROLE OF OJOR UPON ADMINISTRATOR'S SIGNING OF DOC-1722

Complete the tasks listed above in the section titled: “**Expiration of a Youth's Commitment in a JCI: Role of OJOR.**”

ADMINISTRATIVE DISCHARGE OF YOUTH IN THE COMMUNITY

ROLE OF AGENT: RECOMMENDATION

Agent may recommend to a supervisor that a youth on type 2 or aftercare supervision be discharged from correctional supervision stemming from adjudication.

ROLES OF SUPERVISOR AND REGIONAL CHIEF

- Supervisor and Regional Chief determine whether the recommendation appears to be appropriate.
- Regional Chief drafts a DOC-1722 if he or she agrees with recommendation.
- Regional Chief forwards DOC-1722 to the Administrator for approval.

ROLE OF ADMINISTRATOR

Sign and distribute the DOC-1722 if in agreement with recommendation of Regional Chief.

AGENT RESPONSIBILITIES UPON SIGNING OF DOC-1722

See section above: "Youth on Community Supervision Upon Expiration; Role of Agent."

ROLE OF OJOR

See section above: **Youth on Community Supervision Upon Expiration; Role of OJOR**

CASH GRANTS FOR YOUTH LEAVING A JCI

PURPOSE OF CASH GRANT

A cash grant pays for the youth's **unmet needs on the day he or she leaves the JCI**. In some circumstances, the youth will have no unmet needs because he or she is going directly to a supervised community placement. In other situations, the youth may have no unmet needs because of the youth's financial resources combined with DJC services and supplies such as donated clothing and sack meals. In those cases, the youth would not receive a cash grant. However, in some cases, generally when a youth has reached his or her expiration date, the youth may have unmet needs for which he or she needs financial assistance.

RESPONSIBILITIES OF REINTEGRATION SOCIAL WORKER

The social worker follows the **procedures described below to determine the amount, if any, of the cash grant to be paid to the youth for unmet needs on the day of departure from the JCI**.

Assessment of Need for Cash Grant

- At least **30 days prior** to the youth's **departure**, assess the **youth's needs** for the day of departure.
 - ✓ Clothing needed
 - ✓ Transportation from the JCI to youth's destination
 - ✓ Meals the youth requires during travel
 - ✓ Sleeping arrangements for the night of arrival
- **Determine availability of supplies** maintained by the JCI such as donated clothing and sack meals.
- Compute the amount of money required, if any, to meet the youth's needs.
 - ✓ Compute the actual amount of **money needed** to cover the youth's **unmet needs** on the departure.
 - ✓ Consider the **reasonable costs** of the youth's expenses not met by DJC. For example, what is the actual cost of a pair of gloves or a meal at a restaurant during travel.

Evaluate the youth's personal financial resources

- Determine amount of **money in the youth's JCI account** and any funds that may be disbursed or received prior to the departure date.
- Obligation to make payments in the JCI on debts ceases at the time the social worker determines that the youth needs a cash grant, but not sooner than 30 days prior to the youth's departure from the JCI. [see Chapter 21]
- Obligation of a youth being released to community supervision to pay debts is reinstated as of the youth's first meeting with his or her agent.

Evaluate Family Resources

Evaluate the financial resources of the youth's family to determine to what extent the family can assist the youth. For example, could the family purchase winter clothing and send it to the JCI, or could the family send money for the cost of a bus ticket.

Youth to be Placed Out-of-State under ICJ

- Social worker consults with the youth's agent and the ICJ Office to assess the youth's needs. [see Chapter 19]
- The ability of the youth's family to contribute to the costs upon release is evaluated. If expenses remain that cannot be met with the youth's account, family's contribution and JCI supplies, the social worker and the agent determine which costs shall be paid by the field and which expenses shall be met with a cash grant from the JCI. The field pays the transportation costs.

Determination of Amount of Grant

The social worker determines the amount of the cash grant, if any, by **comparing the costs of meeting the youth's needs** on the day of departure with the money, supplies and other assistance available.

Award of a Cash Grant

- Social worker **informs the business office and superintendent/designee** of the **amount of money** needed for the cash grant as soon as possible, but **no later than 15 days prior** to the date of youth's departure from the JCI.
- When a portion of the cash grant and/or funds from the youth's account is needed to make purchases prior to the departure date, the social worker informs the business office at least 15 days in advance of the amount needed to make the necessary purchase(s). For example, clothing or a bus ticket may be purchased prior to the day of departure.

Business office procedures to record cash grant

Enter the cash grant paid under s. 938.48 (13), Stats., Project code 890 in fields 5, 6, and 7 in the center code on invoices.

Cash to youth

- Social worker has 2 options regarding the cash grant.
 - ✓ May give cash to the youth to pay for unmet needs.
 - ✓ May make some purchases and then give the remaining money, if any, to the youth in cash.
- Youth being released to supervision
 - ✓ Youth signs an agreement written by the social worker stating how the cash can be spent.
 - ✓ Youth submits the agreement and receipts to the agent at their first meeting in the community.

CHIPS REFERRALS

MILWAUKEE COUNTY

In Milwaukee County, the **Bureau of Milwaukee Child Welfare reviews allegations of abuse and neglect** that it receives through its hot line (414) 220-SAFE (220-7233).

If a social worker decides not to investigate the referral, he or she notifies the referral source in writing. The Bureau investigates some referrals and then, if appropriate, refers the case to the district attorney with a request that a Children in Need of Protective Services (CHIPS) petition under Chapter 48 be filed.

YOUTH APPROPRIATE FOR REFERRAL

- Youth is under age 18 and is nearing the expiration date of her/his court commitment to DJC
- No unmet correctional or treatment needs justify the filing of an extension petition, or a petition cannot be filed. [see Chapter 9]
- Youth has no safe, suitable and legal home to return to or is otherwise at risk for abuse and neglect.

Referral Procedures

The following procedures are mandated by the Children's Division of Milwaukee County Circuit Court, in a directive signed April 26, 2012 by the presiding judge.

The reintegration social worker (for a youth in a JCI) or agent (for a youth in alternate care or a community placement) shall make a referral to the BMCW Access Supervisor at least 60 days prior to expiration. Referral should only be made after diligent efforts to locate a safe, suitable and legal home for the youth.

When making the referral call, the social worker or agent should be prepared to give information about:

- Why s/he is calling
- Demographic and contact information about the youth and her/his family
- Whether the youth or family has limited English proficiency
- Whether the youth may have tribal affiliation
- Family functioning, strengths and current stresses
- Reasons that a safe, suitable home is unavailable to the youth; for example, past abuse and neglect, family members were victims of youth's violent or assaultive behavior, parent/guardian unable or unwilling to take youth back into the home, extended family unavailable

The Access Supervisor will transfer the call to an Access social worker who will take the referral information. If there is no placement for the youth, the referral will then be screened by the Access Supervisor and assigned to an Initial Assessment social worker.

The Initial Assessment social worker will begin the assessment process, including efforts to locate a safe placement for the youth.

If the Initial Assessment Social Worker is unable to locate a safe, suitable and legal home for the youth, The BMCW will prepare to take temporary physical custody and provide placement upon expiration of the youth's correctional court order.

The Access Supervisors to be called are:

Jackie Hall 414-220-7021
Nidhi Khare 414-220-7027
Lisa Taylor 414-220-7244

OTHER COUNTIES

The social worker or agent contacts the county's Department of Human Services or Social Services to inquire about the CHIPS petition referral procedures for that county.

EMPLOYMENT PROGRAM

OVERVIEW

The Employment Program is designed to provide meaningful work experience and educational opportunities for correctional youth. It is intended to assess job readiness, skills and academic levels to determine proper employment and educational placement prior to release from a Juvenile Correctional Institution. Whenever possible, upon a release the youth will be placed in either a subsidized or permanent employment position. Our employer partners are asked to provide job performance evaluations and supervision helping the youth to grow in his/her job skills area.

PROGRAM COMPONENTS

Skills and Competencies Assessment: tools to determine youth work readiness.

Work Experience: employment is a 10 week subsidized meaningful work experience for youth to assist them in moving into permanent employment within the community.

Educational Opportunities: enrollment and funding in educational programs are available to youth who (1) qualify under the John H. Chafee Foster Care Independence Program, (2) are identified as a Serious Juvenile Offender (SJO) or (3) are participants in the Corrective Sanctions Program.

ELIGIBILITY CRITERIA

- Youth between the ages of 17-22 who are in the transition phase.
- Must have or currently working towards High School Equivalence Diploma (HSED).
- Some youth must be able to fulfill a 40 hour a week commitment once they leave the JCI. (Part-time employment may be available.)

REFERRAL PROCESS

The program is designed to start 90 days prior to release with a referral from either the Agent or JCI Social Worker. Staff should complete the DOC-2368, Referral to Employment or Independent Living Program. Indicate that the referral is to the Employment Program.

Staff should forward the completed form to the Employment Coordinator, at the following address:

2909 Landmark Place, Suite 104
Madison, WI 53714
Phone: 608-288-3351 Fax: 608-288-3378

The Independent Living Coordinator and/or Employment Program representative, if applicable, should then be invited to a transitional team meeting. Prior to the team meeting, the Coordinator(s) may request to review the youth's LifeWork Education Portfolio (LWEP) in order to prepare for the meeting. An assessment regarding placement is based on the information within the LWEP and the youth's goals. It is sometimes necessary to invite other agencies' representatives or community members to the team meetings to assist in placement and/or meeting other needs.

DEATH OF A YOUTH UNDER DJC SUPERVISION

When a youth dies during active community supervision by DJC, the field agent uses the DOC 0044A form to notify the field supervisor that the death has occurred. The agent checks the box on the form to indicate that a non-certified copy of the youth's death certificate is to be requested from the state Wisconsin Vital Records Office. The field supervisor reviews and signs the form, and routes it to the regional chief for her/his review and signature. The regional chief returns the form to the program assistant in the agent's field office.

The program assistant places the signed DOC 0044A in the youth's field file. The program assistant fills out the Wisconsin Death Certificate Application, form F-5280, and sends it to the Wisconsin Vital Records Office along with the applicable fee and a self-addressed stamped envelope to the address on the form. A copy of the F-5280 is placed in the youth's field file.

The program assistant initiates a request for case termination by entering the appropriate code in the JJIS community tracking screen. OJOR-Central Office will issue a termination number when notified of that action by JJIS.

It may take several months for the death certificate to be issued. When the field office receives the certificate, it should be placed in the youth's field file.